

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JIM BOGNET, et al. Plaintiffs,	:	NO. 3:20-CV-215
	:	
	:	
v.	:	
	:	
VERONICA DEGRAFFENREID, in her capacity as Acting Secretary of the Commonwealth of Pennsylvania, et al.,	:	JURY TRIAL DEMANDED
	:	
Defendants.	:	

**UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFFS' COMPLAINT**

Defendant Board of Elections of Potter County respectfully requests that the Court enter an Order extending its time to answer, move, or otherwise respond to Plaintiffs' Complaint (ECF 1) until twenty-one (21) days after the United States Supreme Court enters an Order disposing of the pending petition for writ of certiorari from the November 13, 2020 judgment of the Third Circuit Court of Appeals in this matter.

1. Plaintiffs initiated this action on October 22, 2020, when they filed a Complaint seeking declaratory and injunctive relief against the Secretary of the Commonwealth of Pennsylvania and the sixty-seven Pennsylvania County Boards of Elections.

2. The same day, Plaintiffs filed a Motion for an Immediate Temporary Restraining Order and a Preliminary Injunction and Expedited Hearing as Soon as Practicable (the "Motion") to enjoin the Defendants from, inter alia, "accepting ballots that arrive after [November 3, 2020]." (ECF 6, at 25).

3. This Court held oral argument on Plaintiffs' Motion on October 27, 2020 and, on October 28, 2020, entered an Order denying the Motion. (ECF 77).

4. On October 29, 2020, Plaintiffs filed a Notice of Appeal of this Court's October 28, 2020 Order to the Third Circuit Court of Appeals. (ECF 78).

5. On November 13, 2020, the Third Circuit entered judgment affirming this Court's October 28, 2020 Order. (ECF 80).

6. On November 20, 2020, Plaintiffs petitioned the United States Supreme Court for a writ of certiorari to review the November 13, 2020 judgment of the Third Circuit Court of Appeals.

7. On January 13, 2021, the United States Supreme Court ordered the Defendants to respond to the petition for certiorari by February 12, 2021. That Court later extended the response deadline to March 15, 2021.

8. The deadline for Defendant to answer or otherwise respond to Plaintiffs' Complaint is February 16, 2021.

9. The United States Supreme Court's disposition of Plaintiffs' petition for certiorari will determine the scope of any remaining issues in this case, and thus will significantly affect the Defendant's response to Plaintiffs' Complaint.

10. Accordingly, Defendant Board of Elections of Potter County respectfully requests an extension of time to respond to Plaintiffs' Complaint until twenty-one (21) days after the Supreme Court has resolved the pending petition for writ of certiorari.

11. Defendant Veronica DeGraffenreid, in her capacity as Acting Secretary of the Commonwealth of Pennsylvania, has sought and been granted a similar extension. Defendant Acting Secretary has been ordered to inform this Court after the United States Supreme Court enters an Order disposing of the pending petition for writ of certiorari.

12. Counsel for the Board of Elections of Potter County has conferred with Plaintiffs'

counsel, who does not oppose this requested extension.

WHEREFORE, the Defendant Board of Elections of Potters County respectfully requests that this Court enter the attached Order granting this motion.

Respectfully Submitted,

Date: February 19, 2021

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